

Notice of Allowability

Application No.

10/609,377

Applicant(s)

KANE ET AL.

Examiner

Art Unit

CUONG H. NGUYEN

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview on 3/07 2007.
2. ☒ The allowed claim(s) is/are 1-14 ; formal drawings are accepted.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

CUONG H. NGUYEN
Primary Examiner
Art Unit: 3661

DETAILED ACTION

1. This Office Action is the answer to the interview of the applicant's representative, SPE Thomas Black, and the examiner on 3/07/2007

Status of the claims

2. Claims 1-14 are pending. Claims 15-23 were withdrawn.

Response

3. The examiner withdraws the Non-Final Office Action mailed on 12/21/2006 to consider the amendment received on 10/11/2006, wherein claims 1-14 were elected on 10/11/2006; claims 22-24 were directed to steps of supplying a corrected wheel sensor signal, this is a different subject matter compared to system claims 1-14 – they were restricted on 7/13/2006).

Allowable Subject Matter & Reasons for Allowance

4. Independent claims 1, and 8 are patentable over the references of Kumar, Matsuno, Bidaud and Bingement, because these references are not obvious to combine in order to suggest a method/system for determining a size of a train wheel comprising:
- a control unit;
 - a positioning system in communication with the control unit, the positioning system being configured to provide the control unit with positioning information pertaining to the train;
 - and
 - a revolution counter connected to the control unit, the revolution counter being configured to measure rotation of a train wheel;
 - wherein the control unit is configured to perform the steps of:

determining a linear distance traveled by a train during a period of time by
calculating a difference in positions reported by the positioning system at a start of the period
and at the end of the period;

repeating the determining step a plurality of times;

adding the linear distance from each of the determining steps to form a
total distance; and

calculating the wheel size based on the total distance and a total number of
wheel revolutions occurring during each of the determining steps.

5. Claims 2-7, and 9-14 are allowed because they are dependent on claims 1, and 8.

Conclusion


6. Claims 1-14 are patentable.

7. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-
272-6759 (or email. cuong.nguyen@uspto.gov). The examiner can normally be reached
on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax
number for the organization where this application is assigned is 571-273-6956.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CUONG H. NGUYEN
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Art Unit 3661